

Application Number 10/563564  
Response to the Office Action dated July 29, 2008

### REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Drawings have been amended to include descriptions of "Prior Art" in Figs. 3A, 3B, 4A, and 4B as supported by the specification at page 4, lines 6-11 in para. [0007].

Claim 9 has been added as supported by the specification at page 6, para. [0014].

Claim 1 has been amended as supported by Figs. 1A, 1B, 2A, and 2B and the specification at pages 6-7, para. [0020] in addition to editorial revisions. Claim 2 has been amended as supported by the specification at pages 5-6, paras. [0009]-[0010] and [0012]-[0013] in addition to editorial revisions. Claims 3-7 have been amended editorially.

Claim 2 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection.

Claim 2 has been amended to clarify that the balance pad is formed in the reagent pad arrangement region on a side of the substrate which is closer to the holding portion or in the holding portion and that the reagent pad is formed in the reagent pad arrangement region on the opposite side of the substrate. Accordingly, this rejection should be withdrawn.

Claims 1-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Engelmann et al. (U.S. Patent No. 4,837,043). Applicants respectfully traverse this rejection.

Engelmann discloses a test device having a substrate, a nonreacting elevated layer, and a reagent zone (see Fig. 2 and coln. 4, line 51-58). Engelmann, however, discloses that the nonreacting layer is formed alongside the reagent zone (see Fig. 2 and

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coln. 4, line 68 - coln. 5, line 2). Thus, the nonreacting layer of Engelmann is formed on the same side of the substrate as that on which the reagent zone is formed (see Fig. 2), and Engelmann fails to disclose that a reagent pad of a device is provided on an opposite end portion of the substrate relative to an end portion on which a balance pad is provided as claim 1 requires. The feature of Engelmann that the reagent zone and the nonreacting layer are not formed on opposite ends of the substrate each other is further confirmed by a disclosure that one or more components of the reagent system of reagent zone can be present in the nonreacting portion of the test strip (see coln. 5, lines 4-7). By forming the reagent pads in one end portion and the balance on the opposite end portion of the substrate of claim 1, weight balance and/or friction balance can be adjusted (see Figs. 1 and 2 of the present application and page 7, lines 5-11 of para. [0020]). This is not contemplated by Engelmann. Accordingly, claim 1 is distinguished from Engelmann, and this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

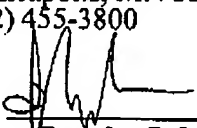


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Respectfully submitted,

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